

# **JAI PRAKASH**

## **POWER VENTURES LIMITED**

### **Policy on Prevention of Sexual Harassment at the Workplace**



**PHILOSOPHY & BACKGROUND:**

We as a Company respect the dignity of all employees working for the Company irrespective of their gender or hierarchy and we expect responsible conduct and behavior on the part of all our employees at all levels.

The Company provides equal employment opportunities to all and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The company also believes that all employees of the company should have the freedom to work in an environment that is free from all kinds of harassment including sexual harassment.

The Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act 2013 and The Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Rules 2013 have been notified by the Central Government with the effect from December 9, 2013 (hereinafter called the Act). The Company has adopted this Policy to be in line with the Statutory Mandate.

Sexual harassment at the work place is unacceptable and therefore this Policy is being framed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

**OBJECTIVE / PURPOSE:**

This Policy has been framed with a view to :

- Promote a workplace based on equality & respect.
- Provide a safe and congenial work environment.
- Awareness & sensitization about sexual harassment at the workplace.
- Prevent sexual harassment.
- Provide formal and informal mechanism for redressal in case of complaint of sexual harassment at the workplace.
- Define the implications and outcome of sexual harassment.
- Ensure protection against retaliation to complainants, witnesses, committee members and other employees involved in prevention and complaint resolution.

## SCOPE

This Policy shall be applicable to all employees including contract employees and trainees on Company's premises. It shall also include any unwelcome behaviour of a sexual nature mentioned in this Policy by any Vendor / Supplier / Contractor including their agents, supervisors, managers and their employees to any of our employees on our premises.

## APPLICABILITY

Where sexual harassment occurs to an employee / associate as a result of an act by a third party or outsider while on official duty, the Company shall take all necessary and reasonable steps to assist the affected person in terms of support, preventive action and legal recourse, if required, against such third persons.

## DEFINITIONS

**'Aggrieved'** woman means a woman, of any age, who alleges to have been subjected to any act of sexual harassment;

**'Employee or Associate'** means a person employed at any of the workplace of the company for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

**'Employer'** means

Jaiprakash Power Ventures Limited represented by its Chairman/Vice Chairman & CEO / Managing Director & CFO or such other officer as may be designated by the Chairman.

**'Internal Committee'** means an Internal Complaints Committee constituted by the Company.

**'Member of the Committee'** means a Member of the Internal Committee;

**'Prescribed'** means prescribed by rules made under this Act;

**'Presiding Officer'** means the Presiding Officer of the Internal Complaints Committee nominated by the company;

**'Respondent'** means a person against whom the Aggrieved woman has made a complaint under the Act;

**‘Sexual Harassment’** includes such unwelcome sexually determined behaviour (whether direct or by implication) such as:

- a. Physical contact and sexual advances;
- b. Demand or request for sexual favors;
- c. Sexually – coloured remarks;
- d. Showing pornography; and
- e. Any other unwelcome physical, verbal or non-verbal or written conduct of a sexual nature.

“Unwelcome sexually determined behavior” includes but is not limited to:

- Subjecting another person to an unwelcome act of physical intimacy including grabbing, brushing, touching, including sexual flirtations, advances or propositions.
- Making any unwelcome remark with sexual connotations like sexually explicit, remarks, cracking jokes or using sentences with sexual connotations or making sexist remarks etc.
- Showing any sexually explicit visual material in the form of pictures / cartoons / pin-ups / calendars / screen-savers on computers / any offensive written or electronic material / including pornographic.
- Engaging in any other unwelcome conduct of a sexual nature, verbal or even nonverbal, staring to make the other person uncomfortable, making offensive gestures, etc.
- Sending unwelcome communication of a sexual nature, through e-mail, letter, mobile technology or any other form of written or electronic communication, exhibiting conduct of a sexual nature.
- Making an unwelcome demand or request whether directly or by implication for sexual favours and/or making it a condition of employment / payment of wages / increments / promotion / preferential treatment / threat to detrimental treatment in employment / threat to current or future employment status or similar act.
- Where a Supervisor requests sexual favours from a junior (or any other person) in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment or threatens to terminate any such person for non-co-operation.
- Where a boss or other senior person intrudes into the private life of employees or persistently asks them out.

- Where any employee(s) make(s) sexual epithet, jokes, written or oral references to sexual conduct, and/or gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies or prowess in an attempt to humiliate or make another person uncomfortable.
- Behavior which creates an environment that is intimidating, hostile, offensive, humiliating for women employee.

**'Workplace'** means any place where working relationship and/or employer-employee relationship between the company and the person exists. This includes our premises (including transit houses & guest houses) and any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such a journey.

#### **GRIEVANCE REDRESSAL MACHINERY:**

Given that this Policy highlights a preventive focus, there is a need to distinguish between an **informal and formal process**.

#### **PROCEDURE FOR INFORMAL GRIEVANCE REDRESSAL:**

Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the person (i.e. HOD/ Site In-Charge/ HR head/ Woman representative of the location) may be the point of first contact for anyone seeking informal support/ intervention to stop unwelcome behavior.

Benefits of an informal process are:

- It is consistent with the preventive approach.
- It helps to diffuse a minor incident without diluting as also escalating the problem.
- Often people just want unwelcome behaviour to stop without drawing undue attention; an informal process makes this option more possible.
- It involves employees to share in the responsibility of eliminating unwelcome behaviour at work.

A sense of restraint and responsibility on the part of all concerned is critical for the effective functioning of these guidelines.

The preventive / informal process that can be adopted is as follows:

1. Convey to the person who is the cause of distress, about what that person's actions, words, behavior is doing and convey in no uncertain terms that such behavior is not appreciated. **What is important is the "Way" a particular behavior, action or word is perceived; "Intent" is of no consequence.**
2. The second step would be to approach someone within the company – preferably your Superior or HR Representative. **The Superior or HR Representative would then try and counsel / talk it over with a view towards closing the matter amicable.**
3. In any case all such incidents along with the resolution, needs to be reported to the HR head who will then provide a short report to the Internal Complaints Committee and the matter will be closed.
4. However, in the event of it not being resolved, then it would need to be escalated to the Internal Complaints Committee.

**PROCEDURE FOR FORMAL GRIEVANCE REDRESSAL:**

- a. A Committee named as Internal Complaints Committee has been constituted to consider and redress complaints of Sexual Harassment. The Committee shall consist of a Presiding Officer who shall be a senior lady employee of the Company and shall be the Chairperson of the Committee.
- b. The Committee shall also have three other members, two of whom shall be employees of the Company and one member, who shall be a person from a non-government organization or association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- c. The Members of the Committee shall be decided by the Chairman from time to time.  
  
At least one half of the total members so nominated shall be women
- d. **Period of office** The Presiding Officer and every member of the Committee shall hold office for a period not exceeding three years, from the date of their nomination.
- e. The members of the Committee shall be appointed by the Chairman and he shall be authorized to nominate or withdraw any member from the Committee at his sole discretion.
- f. **Quorum:** A quorum of three members is required to be present including the Presiding Officer for the proceedings to take place and

at least two members present shall be women.

- g. **Payment of allowances etc** : The member appointed from amongst non governmental organization shall be paid an allowance and reimbursed expenses as prescribed by the Act or Rules from time to time.
- f. **Removal of Presiding officer or member**

Where the Presiding Officer or any Member of the Internal Committee -

- (a) contravenes the provisions as laid down in the Act ; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/ her; or
- (c) he / she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/ her ; or
- (d) has so abused his / her position as to render his/ her continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

### **TERMS OF REFERENCE**

The Committee shall have the terms of reference as approved by the Chairman of the Company and the same shall be in conformity with the Act.

### **REDRESSAL AND INQUIRY PROCESS**

- a. Any Aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee and shall file 6 copies of the complaint along with necessary documents, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. No anonymous complaints shall be entertained;

The Internal Committee shall render all reasonable assistance to the Aggrieved woman for making the complaint in writing and extend the time limit not exceeding 90 days, if it is satisfied that the circumstances exist to warrant such extension.

- b. The Internal Committee shall call upon the person against whom the complaint has been made (Respondent) and provide an opportunity to be heard.

- c. The Respondent shall file his reply to the complaint along with his list of documents, within a period not exceeding 10 working days from the date of receipt of the copy of the complaint.
- d. The Aggrieved woman can seek the assistance of her legal heir or such other person as stated in the Prescribed Rules, if she is unable to make a complaint on account of her physical or mental incapacity or death or otherwise.
- e. The Internal Committee may terminate the inquiry proceedings or to give an ex-parte decision on the complaint, under certain circumstances as prescribed.
- f. No legal practitioner can represent the parties in their case at any stage of the proceedings before the Internal Committee.
- g. The Internal Committee, may, before initiating an inquiry and at the request of the Aggrieved woman take steps to settle the matter between her and the Respondent through conciliation;

No monetary settlement shall be made as a basis of conciliation.

- h. The Internal Committee shall record any settlement arrived at and forward to the employer to take action as specified in the recommendation.
- i. The Internal Committee shall provide the copies of the settlement to the parties concerned and on such settlement, no further inquiry shall be conducted by the Internal Committee.
- j. The Internal Committee, shall, where the Respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the Respondent and where no such rules exist, in such manner as prescribed in the Act and the Prescribed Rules, within a period of seven days.

In case any terms or conditions of the settlement arrived at, has not been complied with by the Respondent, the Internal Committee shall proceed to make an inquiry into the complaint.

- k. The Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 and the Internal Committee complete the inquiry shall within a period of ninety days.



1. On a written request made by the Aggrieved woman, during the pendency of the inquiry the Internal Committee may recommend to the employer to-
  - (i) transfer the Aggrieved woman or the Respondent to any other workplace; or
  - (ii) grant leave to the Aggrieved woman up to a period of three months; or
  - (iii) grant such other relief to the Aggrieved woman as per Prescribed Rules
- m. The leave granted to the Aggrieved woman under the Act, shall be in addition to the leave she would be otherwise entitled.
- n. The Internal Committee shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties
- o. The employer shall implement the recommendations made by the Internal Committee and send the report of such implementation, to the Internal Committee.
- p. In the event, the allegation against the Respondent has not been proved, the Internal Committee shall recommend to the employer that no action is required to be taken in the matter.
- q. In the event, the allegation against the Respondent has been proved, the Internal Committee shall recommend to the employer actions against the Respondent as prescribed in the Act and the Prescribed Rules.
- r. The Employer shall act upon the recommendation within sixty days of receipt of the recommendations.
- s. In the event, the allegation against the Respondent is malicious or false and it has been so established after the inquiry, the Internal Committee may recommend to the employer to take action against the Aggrieved woman or the person making such malicious or false complaint as prescribed.
- t. During the course of inquiry, if any witness has given false evidence or produced any forged or misleading document, the Internal Committee may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable

to the said witness or where no such service rules exist, in such manner as per Prescribed Rules.

- u. For the purpose of determining the sums to be paid to the Aggrieved woman as per the Act, the Internal Committee shall have regard to-
- (i) the mental trauma, pain, suffering and emotional distress caused to the Aggrieved woman;
  - (ii) the loss in the career opportunity due to the incident of Sexual Harassment;
  - (iii) medical expenses incurred by the victim for physical or psychiatric treatment;
  - (iv) the income and financial status of the Respondent;
  - (v) feasibility of such payment in lump sum or in instalments.

**Guidelines for members of Grievance Redressal Machinery:**

- Believe in the reality of the complaint lodged.
- Empathize with the complainant. Do not function like a criminal court.
- Remember that it may be difficult for an employee to talk about anything 'Sexual'. Hence there can be a long time interval between the harassment and the actual complaint.
- Handle complaints in a confidential manner and within 30 working days.
- Submit annual report on Sexual Harassment cases, if any and actions taken to address the same, to the HR Department.
- Maintain all the data related to Sexual Harassment cases in the company
- Provide safety for the complainant and his / her supporters, if such a need be felt and that the committee can recommend action against persons indulging in intimidation of the complainant or witness to a complaint.
- Discard pre-determined notions of how an accused should look or behave or dress. Be aware of stereotypes.
- Do not insist on detailed description of harassment. This could increase the complainant's trauma.
- Most sexual crimes are committed in private; hence there may not be any eye-witnesses.

- Since this is a human rights issue, balance of probabilities is a sufficient measure of proof.
- Help the complainant regain his / her self-respect.
- Make 'discreet' enquiries as to whether other employees have experienced similar problems.
- Document results of any Sexual Harassment complaint or investigation. Not only the results, but also document any corrective action that the employee or supervisor was asked to take.
- Inform all employees that it is their obligation to report sexual harassment that they either experience or witness.
- The inability to substantiate a complaint or provide adequate proof need not attract action against the woman.

### **CONFIDENTIALITY**

- a) The contents of the complaint made under the Act, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner:

However the information may be disseminated regarding the justice secured to any victim of Sexual Harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Aggrieved woman and witnesses.

- b) Any person involved in the inquiry and breaking the confidentiality may be proceeded against in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as per the Act and the Prescribed Rules

### **APPEAL**

- a. Subject to the provisions of Section 18 of the Act, any person Aggrieved from the recommendations made by the Internal Committee under the Act, or non-implementation of such recommendations may prefer an appeal to the Chairman of the Company.

- b. Appeals shall be preferred within a period of ninety days of the recommendations.

### **DUTIES OF THE EMPLOYER**

Employer shall be responsible to

- (i) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- (ii) display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the Internal Committee.
- (iii) organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act and orientation programs for the members of the Internal Committee in the manner as per Prescribed Rules
- (iv) provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- (v) assist in securing the attendance of Respondent and witnesses before the Internal Committee;
- (vi) make available such information to the Internal Committee as it may require having regard to the complaint made;
- (vii) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (viii) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of Sexual Harassment took place;
- (ix) treat Sexual Harassment as a misconduct under the service rules and initiate action for such misconduct;
- (x) monitor the timely submission of reports by the Internal Committee.

### **ANNUAL COMPLIANCE BY THE COMMITTEE / COMPANY**

- a. The Internal Committee shall in each calendar year prepare, in such form and at such time as per Prescribed Rules, an annual report and submit the same to the Employer.
- b. The Employer shall include in its report the number of cases filed, if any, and their disposal under this Act in the Annual Report of his organization or where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.